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Stroud, George M.

Southern Slavery and
the Christian religion.





Class E 449

Book S92



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SOUTHERN SLAVERY AND THE CHRISTIAN RELIGION.

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COMMUNICATION FROM JUDGE STROUD.

To the Editor of North American and U. S. Gazette :—

FROM several pamphlets recently published and extensively circulated, it has become evident that a new issue in Pennsylvania party politics has been inaugurated, viz: Whether negro slavery, as it is maintained in the Southern States now in rebellion against the national government, is consistent with the Christian religion?

I deem it proper, therefore, in order that every one may be enabled to judge for himself on this important subject, to give a very brief summary of the legal incidents of Southern slavery. Every part and parcel of this summary may be authenticated by the statutes of one or other of those States, and the reported decisions of their highest courts of judicature.

It is a fundamental principle of negro slavery that a slave is a *thing*—a chattel wholly under the dominion of his master, subject to be bought and sold precisely as if he were a horse or a mule. He may be fed and clothed much or little, as his master may prescribe—may be compelled to labor as well on one day as another, and as hard and as long as his master may direct.

The slave has no legal right whatever; cannot own anything; may be forbidden all society with his fellows; may be kept in the most abject ignorance; is not allowed to be instructed to read; is without any legal provision for acquiring a knowledge of his religious duties; incapable of a lawful marriage; denied all authority over those who are admitted to be his natural offspring; liable to have them at any age torn from him, without

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the slightest consultation or deference to his judgment or his feelings; and liable himself to be torn from them, and from their mother, with whom he has been permitted and encouraged to cohabit as his wife. He may be thus ruthlessly carried to a returnless distance, not only from his children and their mother, but from all else that he may hold dear.

The law also expressly sanctions his master in beating him with a horsewhip or cowskin, in chaining him, putting him in irons, compelling him to wear pronged iron collars, confining him in prison, hunting him with dogs, and when *outlawed*, as he may be for running away, he may be killed by any one to whom he may refuse to surrender.

The whole of this summary I pledge myself to maintain in its literal and full extent, according to the law of one or another of the Southern slaveholding States.

GEO. M. STROUD.

PHILADELPHIA, Sept. 15, 1863.

[The preceding letter of JUDGE STROUD, published in the "North American," of September 16, 1863, and the following extracts from his sketch of the laws relating to slavery, are published in this form in order to give them a wider circulation.]

Take the following description of slavery, as given by the Supreme Court of *North Carolina* in 1829: "The end (of slavery) is the profit of the master, his security, and the public safety. The subject is one doomed in his own person and his posterity to live without knowledge and without the capacity to make anything his own, and to toil that another may reap the fruits." *The State vs. Mann*, 2 *Devereux Rep.* 263, 266. (Stroud's *Slave Laws*, pp. 33-34, 2d edition.)

The doctrine of *South Carolina* is equally strong. It is concentrated by *Wardlaw*, J., in this single sentence: "Every endeavor to extend to a slave positive rights is an attempt to reconcile inherent contradictions; for, in the very nature of things, he is subject to DESPOTISM." *Ex parte BOYLETON*, 2 *Strobhart*, 41. (Ibid.)

According to the law of Louisiana, "a slave is one who is in the power of a master to whom he belongs. The master may sell him, dispose of his person, his industry, and his labor: he can do nothing, possess nothing, nor acquire anything, but what must belong to his master." *Civil Code, art. 35.* (Ibid.)

The cardinal principle of slavery—that the slave is to be regarded as a thing—is an article of property—a chattel personal—obtains as undoubted law in all of these States. In South Carolina it is expressed in the following language: "Slaves shall be deemed sold, taken, reputed and adjudged in law to be *chattels personal* in the hands of their owners and possessors, and their executors, and administrators and assigns, *to all intents, constructions and purposes whatsoever.*" 2 *Brev. Dig.* 229; *Prince's Dig.* 446, &c. &c. *Thompson, Dig.* 183. (Ibid.)

I. A SLAVE CANNOT BE A WITNESS AGAINST A WHITE PERSON, EITHER IN A CIVIL OR CRIMINAL CAUSE.

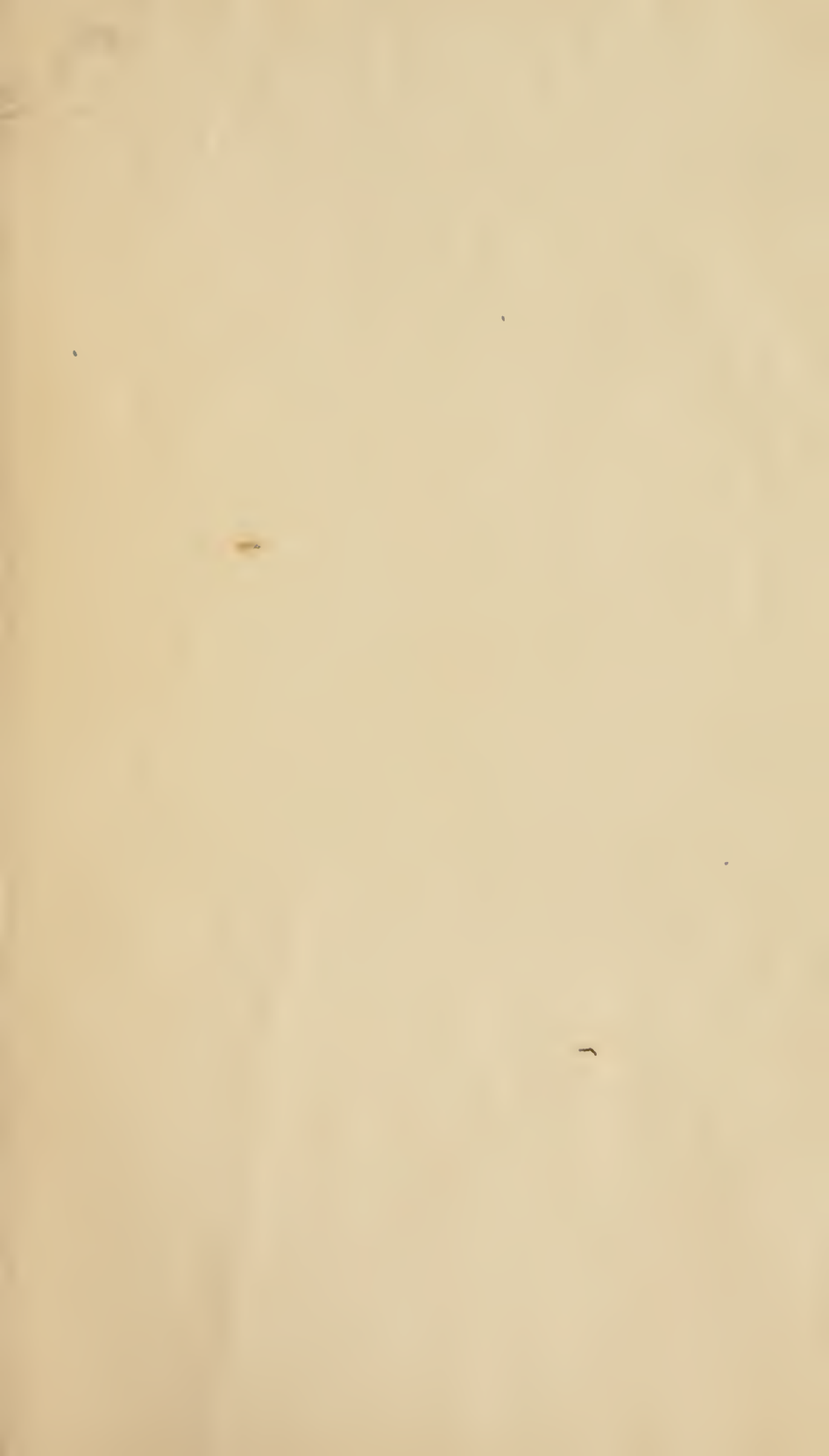
I have had occasion very frequently to advert to this subject, as the cause of the greatest evils of slavery. Acts of Assembly, apparently intended to give protection to the slave from his master's cruelty, have been adduced, and yet shown to be altogether nugatory, in consequence of the rule of law which forms the title of this section. In truth, in our slaveholding States this exclusion is not confined to the evidence of *slaves*; but natives of Africa, and their descendants, whatever may be the shade of their complexion, and whether bond or free, are under the like degrading disability.¹ In a few of the slaveholding States the rule derives authority from *custom*; in others, the legislatures have sanctioned it by express enactment. In Virginia there is an act of Assembly in these words: "Any negro or mulatto, bond or free, shall be a good witness in pleas of the commonwealth for or against negroes or mulattoes, bond or free, or in civil pleas where free negroes or mulattoes shall alone be parties, *and in no other cases whatever.*" 1 *R. V. C.* 422.

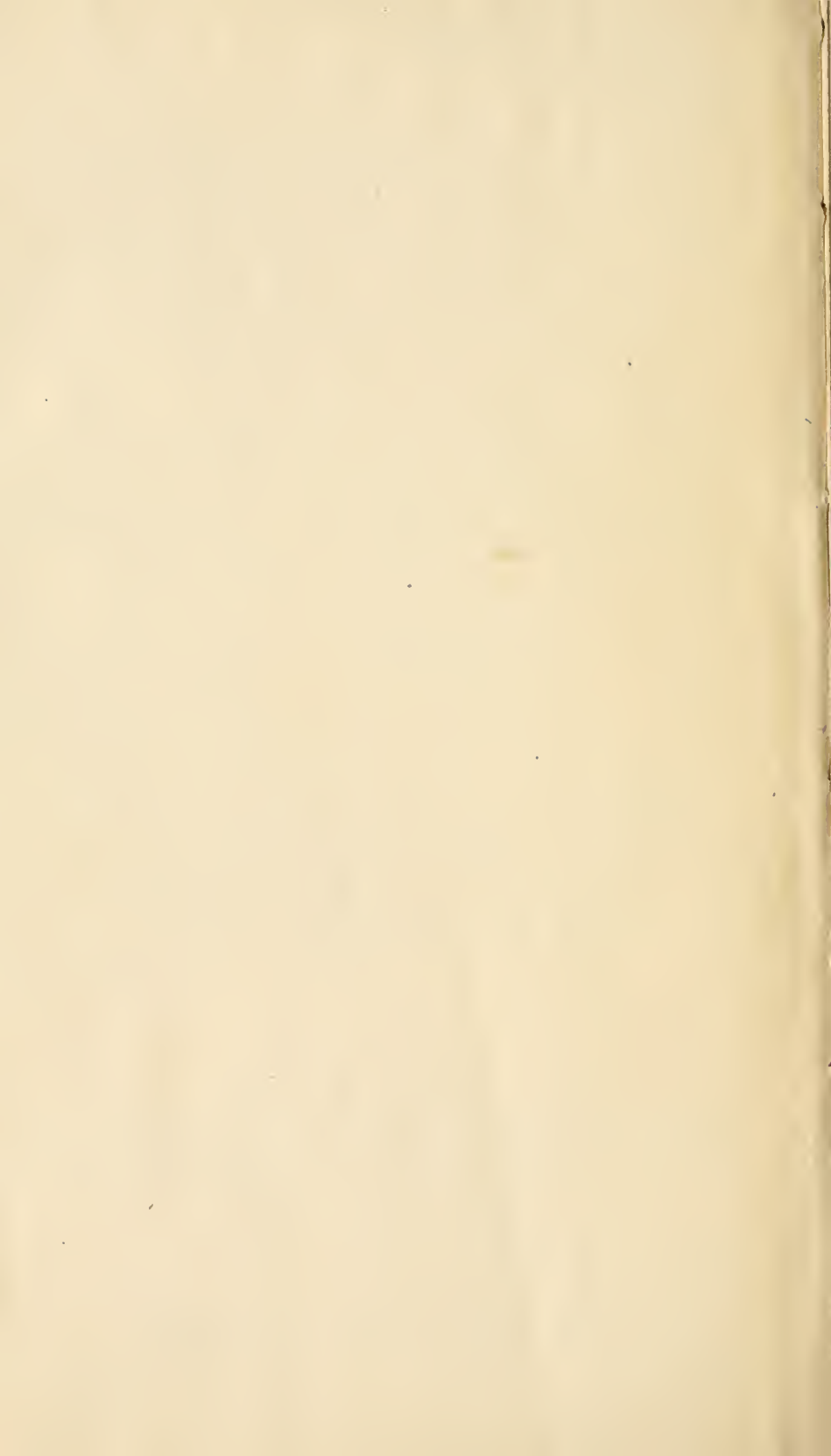
¹ In *Texas* this restriction is confined to such persons to the *third* generation only. *Texas Dig.* 219-220.

Similar in Missouri; 2 *Missouri Laws*, 600. In Mississippi; *Mississippi Rev. Code*, 372. In Kentucky; 2 *Litt. & Swi.* 1150. In Alabama; *Toulmin's Dig.* 627. In Maryland; *Maryland Laws, act of 1717, ch. 13, § 2 & 3, and act of 1751, ch. 14, § 4.* In North Carolina and Tennessee; *act of 1777, ch. 2, § 42.*

Such being the law, it requires no extraordinary perspicacity to pronounce that its effects must be most injurious to the unhappy victim of slavery. It places the slave, who is seldom within the view of more than one white person at a time, entirely at the mercy of this individual, without regard to his fitness for the exercise of power—whether his temper be mild and merciful, or fierce and vindictive. A white man may, with impunity, if no other white be present, torture, maim, and even murder his slave, in the midst of any number of negroes and mulattoes. Having absolute dominion over his slave, the master or his delegate, if disposed to commit illegal violence upon him, may easily remove him to a spot safe from the observation of a competent witness. Indeed, it is probable few white persons ordinarily reside upon the same plantation, since I find in most of the slaveholding States, the owners of slaves are compelled by a considerable penalty “to keep *at least* one white man on each plantation to which a certain number of slaves is attached;” a law which would not have been necessary unless a contrary practice was prevalent. See *Prince's Dig.* 455, &c. (*Stroud's Slave Laws*, pp. 106, 107.)

And as ye would that men should do to you, do ye also to them likewise.—Luke vi. 31.





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